

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ORGANIC SEED GROWERS AND
TRADE ASSOCIATION, et al.,
Plaintiffs,

V.

MONSANTO COMPANY AND
MONSANTO TECHNOLOGY LLC,
Defendants.

Case No. 1:11-cv-2163-NRB

Jury Demanded

ECF Case

**MONSANTO COMPANY AND MONSANTO TECHNOLOGY LLC'S
NOTICE OF MOTION TO DISMISS FOR LACK OF
SUBJECT-MATTER JURISDICTION (ORAL ARGUMENT REQUESTED)**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law and all other papers herein, Defendants Monsanto Company and Monsanto Technology LLC (collectively “Defendants”), by their undersigned counsel, will move this Court, before the Honorable Naomi R. Buchwald, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Courtroom 21A, New York, New York, 10007, at a date and time to be determined by the Court, for an order dismissing all claims in the Amended Complaint of Plaintiffs Organic Seed Growers and Trade Association, *et al.* against Defendants, pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure. The basis for this motion is set forth in the accompanying

Memorandum of Law, Declarations and attached exhibits. Defendants respectfully request oral argument on this motion.

Dated: July 12, 2011

Respectfully submitted,

WILMER CUTLER PICKERING
HALE and DORR LLP

By: /s/ Seth P. Waxman

Seth P. Waxman (admitted *pro hac vice*)
Paul R.Q. Wolfson (admitted *pro hac vice*)
Todd C. Zubler (admitted *pro hac vice*)
Gregory H. Lantier (GL5778)
Carolyn J. Chachkin (admitted *pro hac vice*)
Rachel L. Weiner (RW0414)

1875 Pennsylvania Avenue, N.W.
Washington, D.C. 20006
Tel. (202) 663-6000
Fax (202) 663-6363

*Attorneys for Defendants Monsanto Company
and Monsanto Technology LLC*